

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 2/4/2022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NIKE, INC.,	:	
	:	
Plaintiff,	:	
	:	
-against-	:	22-CV-0983 (VEC)
	:	
STOCKX LLC,	:	<u>NOTICE OF INITIAL</u>
	:	<u>PRETRIAL CONFERENCE</u>
	:	
Defendant.	:	
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VALERIE CAPRONI, United States District Judge:

In light of the COVID-19 situation, the Court will conduct the Initial Pretrial Conference (“IPTC”) in accordance with Rule 16 of the Federal Rules of Civil Procedure on **April 8, 2022 at 2:00 p.m.** by teleconference. At the scheduled time, counsel for all parties should call 888-363-4749, Access code 3121171#, Security code **0983**. Counsel should submit their proposed case management plan and joint letter as outlined below. In their joint letter, the parties should indicate whether they believe a Rule 16 conference is unnecessary and ask that their proposed Case Management Plan simply be so ordered; or whether they believe a conference would be helpful and have no objection to proceeding by teleconference; or whether they believe a conference would be helpful and request it be adjourned until such time as it can be safely held in person. If the parties prefer an in-person conference, they should propose three mutually-agreed upon Fridays for the conference, although the Court does not guarantee it will honor the parties’ preferred date.

1. Pursuant to section 1.C of the Court’s Individual Practices in Civil Cases, requests for adjournment of the IPTC or any other conference must be made in writing at least 48 hours prior to the scheduled conference. The request must state (1) the reason for the proposed

adjournment; (2) the original date of the conference; (3) the number of previous requests for adjournment; (4) whether the other party or parties consent and, if not, the reason given for refusing consent; and (5) proposed alternative dates. **This Court encourages plaintiffs to serve defendants promptly.** Requests for adjournment of the IPTC will not necessarily be granted on the ground that one or more Defendants have not been served or answered prior to the scheduled IPTC.

2. The parties are directed to submit a joint letter of no more than five pages by **March 31, 2022**, addressing the following in separate paragraphs: (1) a brief description of the case, including the factual and legal bases for the claim(s) and defense(s); (2) any contemplated motions; (3) the basis for subject matter jurisdiction; and (4) the prospect for settlement.

3. If this case involves claims that arise under the Fair Labor Standards Act (“FLSA”), the joint letter must indicate whether the Plaintiff(s) intend to move for certification of a collective and whether the Defendant(s) intend to object to such certification. If there will be a disputed motion for a collective, the Court will likely cancel the IPTC, stay discovery, and set a briefing schedule for the motion.


4. The parties are directed to consult the undersigned’s Individual Practices in Civil Cases and to confer on a Civil Case Management Plan and Scheduling Order. The Individual Practices and Civil Case Management Plan may be found on the Court’s website: <https://nysd.uscourts.gov/hon-valerie-e-caproni>. The parties must submit the jointly proposed Plan to the Court with their joint letter.

5. Three days before the date of the IPTC, counsel for all parties are required to register as filing users in accordance with the Procedures of Electronic Case Filing and file a Notice of Appearance.

6. Plaintiff's counsel, or the defendant's counsel in removed cases, is responsible for distributing copies of this Notice to all parties.

SO ORDERED.

Date: February 4, 2022
New York, New York



VALERIE CAPRONI
United States District Judge